

Act No. 619
Public Acts of 2018
Approved by the Governor
December 28, 2018
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December 28, 2018
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**STATE OF MICHIGAN
99TH LEGISLATURE
REGULAR SESSION OF 2018**

Introduced by Reps. Frederick, Howrylak, Marino and Leutheuser

ENROLLED HOUSE BILL No. 5907

AN ACT to amend 1976 PA 451, entitled “An act to provide a system of public instruction and elementary and secondary schools; to revise, consolidate, and clarify the laws relating to elementary and secondary education; to provide for the organization, regulation, and maintenance of schools, school districts, public school academies, intermediate school districts, and other public school entities; to prescribe rights, powers, duties, and privileges of schools, school districts, public school academies, intermediate school districts, and other public school entities; to provide for the regulation of school teachers and certain other school employees; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to make appropriations for certain purposes; to provide for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; and to repeal acts and parts of acts,” by amending sections 524, 553a, 1135, 1471, and 1472 (MCL 380.524, 380.553a, 380.1135, 380.1471, and 380.1472), section 524 as amended by 2011 PA 277, section 553a as amended by 2018 PA 235, section 1135 as added by 1987 PA 84, and sections 1471 and 1472 as added by 1996 PA 159.

The People of the State of Michigan enact:

Sec. 524. (1) An urban high school academy may be located in all or part of an existing public school building. An urban high school academy shall not operate at a site other than the site or sites, requested for the configuration of age or grade levels that will use the site or sites, as specified in the contract. Under a contract, an authorizing body may permit an urban high school academy to operate the same configuration of age or grade levels at more than 1 site, and an urban high school academy may operate the same configuration of age or grade levels at more than 1 site, as long as the urban high school academy is operating in compliance with its contract and is making measurable progress toward

meeting its educational goals. For a contract for a new urban high school academy, an authorizing body may permit an urban high school academy to operate the same configuration of age or grade levels at more than 1 site, and an urban high school academy may operate the same configuration of age or grade levels at more than 1 site, if the applicant for the proposed urban high school academy presents documentation to the authorizing body demonstrating that the applicant's proposed educational model has resulted in schools making measurable progress toward meeting their educational goals.

(2) An urban high school academy shall not charge tuition. Except as otherwise provided in this section, an urban high school academy shall not discriminate in its pupil admissions policies or practices on the basis of intellectual or athletic ability, measures of achievement or aptitude, status as a handicapped person, or any other basis that would be illegal if used by a school district. However, an urban high school academy may limit admission to pupils who are within a particular range of age or grade level or on any other basis that would be legal if used by a school district and may give enrollment priority as provided in subsection (4).

(3) Except for a foreign exchange student who is not a United States citizen, an urban high school academy shall not enroll a pupil who is not a resident of this state. Enrollment in an urban high school academy must be open to all pupils who reside in this state who meet the admission policy. Subject to subsection (4), if there are more applications to enroll in the urban high school academy than there are spaces available, pupils shall be selected to attend using a random selection process. An urban high school academy shall allow any pupil who was enrolled in the urban high school academy in the immediately preceding school year to enroll in the urban high school academy in the appropriate grade unless the appropriate grade is not offered at that urban high school academy.

(4) An urban high school academy may give enrollment priority to 1 or more of the following:

(a) A sibling of a pupil enrolled in the urban high school academy.

(b) A pupil who transfers to the urban high school academy from another public school under a matriculation agreement between the urban high school academy and other public school that provides for this enrollment priority, if all of the following requirements are met:

(i) Each public school that enters into the matriculation agreement remains a separate and independent public school.

(ii) The urban high school academy that gives the enrollment priority selects at least 5% of its pupils for enrollment using a random selection process.

(iii) The matriculation agreement allows any pupil who was enrolled at any time during elementary school in a public school that is a party to the matriculation agreement and who was not expelled from that public school to enroll in the urban high school academy giving enrollment priority under the matriculation agreement.

(c) A child of a person who is employed by or at the urban high school academy or who is on the board of directors of the urban high school academy. As used in this subdivision, "child" includes an adopted child or a legal ward.

(5) Subject to the terms of the contract authorizing the urban high school academy, an urban high school academy shall include at least grades 9 through 12 within 5 years after beginning operations and may include other grades or any configuration of those grades, including kindergarten and early childhood education, as specified in its contract. If specified in its contract, an urban high school academy may also operate an adult basic education program, adult high school completion program, or general education development testing preparation program.

Sec. 553a. (1) An authorizing body may issue a contract to establish a school of excellence that is a cyber school. A cyber school shall provide full-time instruction to pupils through online learning or otherwise on a computer or other technology, and this instruction and learning may occur remote from a school facility. Subject to section 559(3), a cyber school may develop and implement personalized, nontraditional, or flexible learning opportunities that include, but are not limited to, project-based learning or competency-based education.

(2) A contract for a school of excellence that is a cyber school must include all of the provisions required under section 553 and both of the following:

(a) A requirement that a teacher who holds appropriate certification according to state board rule or who is engaged to teach under section 1233b will be responsible for all of the following for each course in which a pupil is enrolled:

(i) Improving learning by planned instruction.

(ii) Diagnosing the pupil's learning needs.

(iii) Assessing learning, assigning grades, and determining advancement.

(iv) Reporting outcomes to administrators and parents or legal guardians.

(b) A requirement that the cyber school will make educational services available to pupils for a minimum of at least 1,098 hours during a school year. The cyber school shall track a pupil's participation through attendance in the educational program offered by the cyber school for the proportionate number of instructional hours from the date of enrollment of the pupil.

(3) Notwithstanding any other provision of this act or any rule, if a school of excellence that is a cyber school is in compliance with the requirements of subsection (2)(a) regarding a certificated teacher or a teacher engaged to teach under section 1233b, any other adult assisting with the oversight of a pupil during the pupil's participation in the cyber school's education program is not required to be a certificated teacher, a teacher engaged to teach under section 1233b, or an employee of the school.

(4) Notwithstanding any rule to the contrary, a cyber school is not required to comply with any rule that would require a pupil's physical presence or attendance in a classroom.

(5) At the end of a cyber school's second complete school year of operations, the authorizing body of a school of excellence that is a cyber school shall submit to the superintendent of public instruction and the legislature, in the form and manner prescribed by the superintendent of public instruction, a report detailing the operation of the cyber school, providing statistics of pupil participation and academic performance, and making recommendations for any further statutory or rule change related to cyber schools and online learning in this state.

Sec. 1135. (1) Upon enrollment of a student for the first time in a local school district, public school academy, or intermediate school district, the local school district, public school academy, or intermediate school district shall notify in writing the person enrolling the student that within 30 days he or she shall provide to the local school district, public school academy, or intermediate school district either of the following:

(a) A copy of the student's birth certificate.

(b) Other reliable proof, as determined by the local school district, public school academy, or intermediate school district, of the student's identity and age, and an affidavit explaining the inability to produce a copy of the birth certificate.

(2) If a person enrolling a student fails to comply with subsection (1), the local school district, public school academy, or intermediate school district shall notify the person enrolling the student in writing that, unless he or she complies within 30 days after the notification, the case must be referred to the local law enforcement agency for investigation. If the person enrolling the student fails to comply within that 30-day period, the local school district, public school academy, or intermediate school district shall notify the local law enforcement agency.

(3) The local school district, public school academy, or intermediate school district shall immediately report to the local law enforcement agency any affidavit received under this section that appears inaccurate or suspicious in form or content.

(4) Within 14 days after enrolling a transfer student, the school shall request in writing directly from the student's previous school a copy of his or her school record. Any school that compiles records for each student in the school and that is requested to forward a copy of a transferring student's record to the new school shall comply within 30 days after receipt of the request unless the record has been tagged under section 1134. If a student record has been tagged under section 1134, a copy of the student record must not be forwarded, and the requested school shall notify the law enforcement agency that notified the school district of the missing student under section 8 of 1968 PA 319, MCL 28.258, of the request.

(5) A local school district, public school academy, or intermediate school district shall not disclose any personally identifiable information contained in a student record to a law enforcement agency, except in compliance with 20 USC 1232g, commonly referred to as the family educational rights and privacy act.

Sec. 1471. As used in this part:

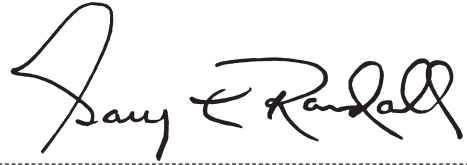
(a) "College level equivalent course" means a course offered in high school, for which a pupil receives high school credit, that is taught at a postsecondary instruction level and is designed to prepare a pupil for a college level equivalent credit examination in a particular subject area, and includes, but is not limited to, advanced placement and international baccalaureate courses.

(b) "College level equivalent credit examination" means an examination that is administered by an independent testing service and that is used by colleges and universities generally to award postsecondary credit for achievement of a particular score and includes, but is not limited to, advanced placement, DSST, and college-level examination program (CLEP) examinations.

Sec. 1472. (1) The board of a school district or public school academy shall, at least annually, provide to each pupil in grade 8 or higher information about college level equivalent courses and college level equivalent credit examinations, including, at least, information about registration, eligibility, and fees.

(2) If a school district or public school academy maintains pupil portfolios for high school pupils, each pupil's portfolio must include, in addition to the other records in the portfolio, all academic records and correspondence relating to the pupil's participation in a college level equivalent course or enrollment in a postsecondary course under the postsecondary enrollment options act, 1996 PA 160, MCL 388.511 to 388.524.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved

Governor